

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 16-CR-179-W-DGK
)	
DAVID A. WILLARD,)	
)	
Defendant.)	

ORDER DENYING DEFENDANT’S MOTION TO SUPPRESS

Pending before the Court are Defendant David A. Willard’s (“Willard”) Motion to Suppress (Doc. 10), United States Magistrate Judge John T. Maughmer’s Report and Recommendation (Doc. 22), and Willard’s objections (Doc. 29). After reviewing Judge Maughmer’s report and conducting an independent review of the applicable law and record, *see* L.R. 74.1(a)(2), the Court ADOPTS the report and DENIES Willard’s motion.

In a prior case, Judge Dean Whipple granted supervised release to Willard and imposed a search condition and a condition that he declare any changes of residence. Believing Willard had changed his residence without telling them, a United States Probation Office team searched 7012 South Benton Avenue (his purported new residence) without a warrant. Willard moves to suppress the contraband they found there, including the firearm that gave rise to this felon-in-possession prosecution.

To search a probationer’s house without a warrant, law enforcement must have a “reasonable suspicion” that the probationer has violated a condition of release. *United States v. Makeeff*, 820 F.3d 995, 1000 (8th Cir. 2016). The Court agrees with Judge Maughmer that the Probation Office’s search team had a reasonable suspicion that Willard had violated the terms of

his supervised release by failing to declare a change of residence. The Probation Office fairly developed this reasonable suspicion from an anonymous caller, from tracking, from surveillance, and from Willard himself, who gave inconsistent responses. Therefore, the officers did not need a warrant to search Willard's new residence at 7012 South Benton Avenue, and there is no basis to suppress the evidence they found there.

The Court ADOPTS Judge Maughmer's Report and Recommendation (Doc. 22) and DENIES Willard's Motion to Suppress Evidence (Doc. 10).

IT IS SO ORDERED.

Date: September 7, 2016

/s/ Greg Kays
GREG KAYS, CHIEF JUDGE
UNITED STATES DISTRICT COURT